

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Status of Claims

Claims 1-7, 9, 13, 15-17, 19, 21, 23, 25, 32-35 and 41 were allowed, claims 38-40 were objected to, and claims 20, 22, 24, 26 and 37 were rejected. With this submission, claims 20, 22, 24, 26 and 37 are amended, claims 27-31 are canceled. No claims have been newly added. Hence, upon entry of this paper, claims 1-7, 9, 13, 15-17, 19-35 and 37-41 will remain pending and under active consideration.

The cancellation of claims does not constitute acquiescence in the propriety of any rejection set forth by the Examiner. Applicants reserve the right to pursue the subject matter of the canceled claims in subsequent divisional applications.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

II. Examiner Interview

Undersigned counsel for Applicants wishes to thank Examiner Gussow for extending the courtesy of a telephonic interview on October 18, 2010 to discuss the outstanding Office Action and claims 20, 22, 24 and 26. As will be explained in detail below, counsel for Applicants discussed possible claim amendment necessary to overcome the written description rejection.

III. Priority Claim

As noted in the Petition decision dated September 10, 2010, "foreign priority to EP 03023581.6 was timely claimed in the international phase." Additionally, Applicants note that the supplemental ADS filed on May 18, 2010 should have properly changed the Priority

for this application. Accordingly, Applicants believe the priority to EP 03023581.6 is now properly claimed.

IV. Claim Rejection- 35 U.S.C. § 112, second paragraph

Claims 37 is rejected as allegedly being indefinite for reciting the term “in need of such a prevention” as lacking antecedent basis. (Office Action, page 4)

In an effort to expedite prosecution and without acquiescing to the propriety of the rejection, Applicants have amended claim 37 to remove the term “prevention” which should render the rejection moot. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

V. Claim Rejection- 35 U.S.C. § 112, first paragraph

Claims 20, 22, 24 and 26 are rejected as allegedly failing to comply with the written description requirement. (Office Action, page 4)

In an effort to expedite prosecution and without acquiescing to the propriety of the rejection, Applicants have deleted part (d) in claims 20, 22, 24 and 26, which should render the rejection moot. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

VI. Claim Objections

Claims 38-40 are objected to as being dependent upon a rejected base claim. Claims 38-40 depend from claim 37 either directly or indirectly. In an effort to expedite prosecution and without acquiescing to the propriety of the rejection, Applicants have amended claim 37 to remove the term “prevention” which should render the objection moot. Therefore, Applicants respectfully request reconsideration and withdrawal of the objection.

CONCLUSIONS

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition(s) for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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